

[First Reprint]

SENATE, No. 2490

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 25, 2007

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

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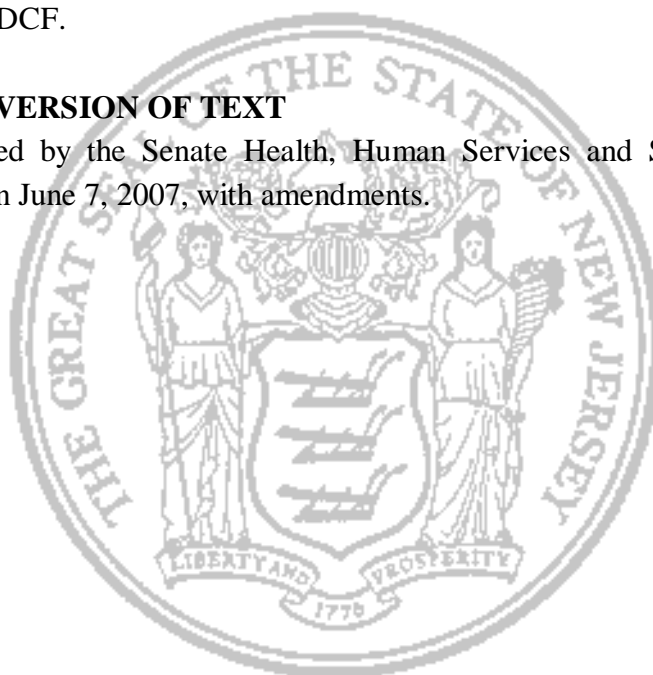
Senators Singer, Karcher and Bucco

SYNOPSIS

“Billy’s Law”; establishes Council on Out-of-State Placement of Children and registry of qualified out-of-State residential schools and programs in DCF.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on June 7, 2007, with amendments.



(Sponsorship Updated As Of: 3/16/2007)

1 AN ACT concerning child placements in out-of-State residential
2 schools and programs and supplementing Title '[30] 9' of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as "Billy's Law."

9
10 2. As used in this act:

11 "Council" means the Council on Out-of-State Placement of
12 Children established pursuant to this act.

13 '"Out-of-State" means more than 30 miles from the border of the
14 State.'¹

15 "Registry" means the registry of qualified out-of-State
16 residential schools and programs established pursuant to this act.

17
18 3. a. (1) There is established in, but not of, the Department of
19 **'[Human Services] Children and Families'**, the Council on Out-of-
20 State Placement of Children, which shall consist of the
21 Commissioners of **'[Human Services,]'** Children and Families,
22 **'[and Health and Senior Services] Human Services, and Education,**
23 **and the Child Advocate'**, or their designees, who shall serve ex
24 officio ¹, and two public members appointed by the Governor, one
25 of whom shall be a representative of an in-State residential school
26 or program and one of whom shall be a representative of an out-of-
27 State residential school or program¹.

28 (2) The purpose of the council shall be to coordinate the efforts
29 of the Departments of **'[Human Services,]'** Children and
30 Families¹, and Health and Senior Services], Human Services, and
31 Education¹ to provide services to children in the most appropriate
32 and least restrictive environment, and to ensure that out-of-State
33 residential schools and programs have met the requirements of this
34 act prior to the placement of a child by one of these departments in
35 an out-of-State residential school or program. 'The establishment
36 of this council is intended as an interim measure until such time as
37 the State can build service capacity within its borders.'¹

38 b. The Commissioner of **'[Human Services] Children and**
39 **Families'**¹ or his designee, shall serve as the chair of the council.

40 c. 'The public members of the council shall serve for a term of
41 two years and shall be eligible for reappointment to the council.

42 d. The public members shall serve without compensation, but
43 shall be reimbursed for necessary expenses incurred in the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted June 7, 2007.

1 performance of their duties and within the limits of funds available
2 to the council.

3 e.¹ The council shall meet at such times as may be necessary to
4 effectuate the provisions of this act. A majority of the members
5 shall constitute a quorum.

6 '[d.] f.¹ The council shall be entitled to call to its assistance and
7 avail itself of the services of the employees of any State, county or
8 municipal department, board, bureau, commission or agency as it
9 may require and as may be available to it for its purposes.

10 '[e.] g.¹ The Department of '[Human Services] Children and
11 Families¹ shall provide staffing services to the council.

12

13 4. a. The council shall establish and maintain a registry of
14 qualified out-of-State residential schools and programs that meet
15 the requirements of this act. 'The council shall require an out-of-
16 State residential school or program to have a current contract with
17 the State concerning placement of children prior to inclusion in the
18 registry.¹ The registry shall be publicly accessible on the website
19 of the Department of '[Human Services] Children and Families¹.

20 b. The council shall develop core requirements for inclusion of
21 an out-of-State residential school or program in the registry. Prior
22 to inclusion in the registry, the appropriate department headed by a
23 member of the council shall:

24 (1) conduct an evaluation and inspection of the school or
25 program, including a site visit in the case of a facility located in a
26 state that borders this State; or, in the case of a facility located in
27 any other state, the Department of '[Human Services shall]
28 Children and Families may¹ contract with an entity to perform the
29 evaluation. The entity shall have recognized expertise in
30 conducting inspections and site visits;

31 (2) determine that the school or program holds a current license
32 or charter from the appropriate state agency of the state in which the
33 school or program is located;

34 (3) determine that the state in which the school or program is
35 located has appropriate laws and regulations for the investigation
36 and resolution of allegations of abuse and neglect; and

37 (4) determine that the types of care being provided by the school
38 or program are consistent with the applicable laws and regulations
39 of this State.

40 c. If the Commissioner of '[Human Services] Children and
41 Families¹ determines it is feasible to charge a fee to a residential
42 school or program to be listed in the registry, the commissioner
43 shall, pursuant to section 8 of this act, set the fee by regulation.

44

45 5. Prior to contracting with an out-of-State residential school or
46 program for placement of a child in the school or program, a

1 member of the council shall require the school or program to enter
2 into a contract that requires the school or program to:

3 a. hold and maintain a current license, certificate or charter
4 from the appropriate state agency of the state in which the school or
5 program is located;

6 b. promptly notify the appropriate member of the council of
7 negative action taken with respect to the license, certificate or
8 charter of the school or program, as applicable, and of corrective
9 action that the school or program is taking with respect to that
10 license, certificate or charter;

11 c. take necessary action to be listed and remain listed in the
12 registry, including providing, consistent with state and federal laws,
13 requested information to the appropriate member of the council;

14 d. authorize the appropriate department headed by a member of
15 the council or the private entity conducting inspections and
16 evaluations pursuant to section 4 of this act, as applicable, to
17 conduct announced and unannounced site visits to the school or
18 program;

19 e. promptly notify the appropriate member of the council of
20 abuse or neglect occurring to a child placed by this State in the out-
21 of-State school or program;

22 f. promptly notify the appropriate member of the council of an
23 investigation of a report of abuse or neglect found to result from a
24 systemic problem with the school or program, and of the corrective
25 action that the school or program is taking; and

26 g. establish appropriate services and goals for each child
27 placed, consistent with state and federal law, and collaborate with
28 the appropriate department headed by a member of the council in
29 the establishment of the services and goals.

30
31 6. a. The council shall:

32 (1) establish a standardized procedure which the departments
33 headed by the members of the council shall use to identify whether
34 in-State service options are available and can be provided in the
35 most appropriate and least restrictive environment, prior to seeking
36 an out-of-State placement for a child;

37 (2) develop and update resources that include, but are not
38 limited to, service directories, assessment tools, inventories of
39 availability and capacity of in-State services, referral guides,
40 funding opportunities, and information concerning research and
41 evidence-based practices. To the extent feasible, these resources
42 shall be publicly accessible on the website of the applicable
43 department headed by a member of the council;

44 (3) establish public awareness, training and technical assistance
45 initiatives to: strengthen community-based service coordination and
46 streamline 'in-State and out-of-State' placement procedures; and
47 improve access to community-based services by engaging

1 community-based service providers, educators, policy makers,
2 family members and advocates in developing these initiatives; and

3 (4) collect and analyze data on children who are placed in 'in-
4 State and' out-of-State residential schools and programs in order to
5 make recommendations concerning the development of integrated
6 funding that would, at a minimum:

7 (a) reduce or eliminate identified barriers to providing
8 flexibility in the funding of '[in-State]' programs and services for a
9 child at risk of placement in '[an out-of-State] a' residential school
10 or program; and

11 (b) increase alternatives to placing a child in '[an out-of-State]
12 a' residential school or program, by allowing funds to be allocated
13 so that the child is placed in the most appropriate and least
14 restrictive environment, including, but not limited to, applying
15 funds to the purchase of appropriate services within the child's
16 community, such as modification of the child's residence.

17 b. The council may develop recommendations to:

18 (1) avert, insofar as practicable, future out-of-State placements
19 in residential schools and programs;

20 (2) return children from out-of-State placements in residential
21 schools and programs to in-State schools and programs;

22 (3) build and support in-State schools and programs; and

23 (4) make the necessary changes to eliminate barriers and
24 institute flexibility in funding, so that services to children may be
25 provided in the most appropriate and least restrictive environment,
26 including, but not limited to:

27 (a) receiving services in the child's home;

28 (b) enabling public funding to be allocated for the purchase of
29 appropriate services for the child; and

30 (c) providing for appropriate levels of accountability, at all
31 levels of public decision making, for the placement of children.

32 c. The council shall report to the Governor and, pursuant to
33 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on
34 the implementation of this act and any recommendations to improve
35 the registry, reduce out-of-State placements, and provide services to
36 children in the most appropriate and least restrictive environment.
37 The report shall be submitted within one year of the effective date
38 of this act and annually thereafter.

39
40 7. A person or institution that reasonably and in good faith
41 complies with the requirements of this act, including, but not
42 limited to, establishing or implementing the registry, contract
43 provisions, and standardized procedures to identify in-State service
44 options, shall be immune from civil and criminal liability.

45
46 8. Pursuant to the "Administrative Procedure Act," P.L.1968,
47 c.410 (C.52:14B-1 et seq.), the Commissioner of '[Human

1 Services】 Children and Families¹, in consultation with the
2 Commissioners of ¹【Children and Families and Health and Senior
3 Services】 Human Services and Education¹, shall adopt rules and
4 regulations necessary to effectuate the purposes of this act.

5
6 9. This act shall take effect on the 180th day after the date of
7 enactment, but the Commissioner of ¹【Human Services】 Children
8 and Families¹, in consultation with the Commissioners of
9 ¹【Children and Families and Health and Senior Services】 Human
10 Services and Education¹, may take such anticipatory administrative
11 action in advance thereof as shall be necessary for the
12 implementation of this act.